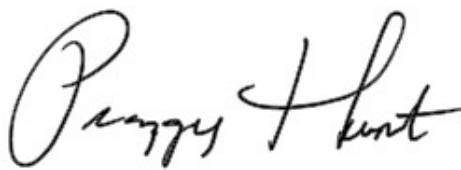


This order is SIGNED.

Dated: November 13, 2023



PEGGY HUNT
U.S. Bankruptcy Judge



THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re:

PROJECT NEPTUNE, LLC,

Debtor.

Bankruptcy Case 23-23695
(Chapter 11 – Subchapter V)

Honorable Peggy Hunt

**ORDER ON MOTION FOR APPROVAL OF THE SUBCHAPTER V
TRUSTEE'S FEES AND EXPENSES AND MOTION TO DISMISS CASE**

The matter before the Court is the *Motion for Approval of the Subchapter V Trustee's Fees and Expenses and Motion to Dismiss Case* [Dkt. No. 25] (the "Motion") filed by Project Neptune, LLC (the "Debtor"). The Motion seeks approval of *First and Final Application for Compensation and Reimbursement of Expenses of D. Ray Strong, Trustee Under Chapter 11, Subchapter V of the Bankruptcy Code* [Dkt. No. 24] (the "Application") filed by D. Ray Strong in his capacity as the Subchapter V Trustee (the "Trustee") and dismissal of this case pursuant to 11 U.S.C. §§ 305(a) and 1112(b). The Debtor filed a *Notice of Hearing* [Dkt. No. 30] which was served on all creditors and parties in interest. *See* Dkt. No. 31. Six *Objections* to the Motion were filed. *See* Dkt. Nos. 32, 34-38.

On November 8, 2023, the Motion came before the Court for hearing and the hearing was continued to November 9, 2023. Appearances were noted on the record. Evidence was presented and oral argument was made in support of the Motion. Having reviewed the Motion, the Application, the Notice of Hearing, the Objections, the evidence, the arguments and representations made on the

record and the applicable law, the Court made findings of fact and conclusions of law at the hearing which are incorporated herein by this reference. Based thereon, and for good cause shown,

IT IS HEREBY ORDERED that:

1. The Application is APPROVED and the Debtor is AUTHORIZED to pay the Trustee \$1,312.78.
2. All Objections are OVERRULED.
3. The Motion is GRANTED and the case is DISMISSED pursuant to 11 U.S.C. §§ 305(a) and 1112(b).
4. The Debtor shall retain the estate's records in accordance with the U.S. Trustee's Manual and is AUTHORIZED to close all bank accounts of the estate.
5. The Debtor is DISCHARGED from its duties as the Debtor and Debtor in Possession.
6. Costa Cruise Credits, to the extent they exist, will expire on November 30, 2023, and those wishing to redeem them should refer to Exhibit 1 attached hereto.

-----END OF ORDER-----

*******IMPORTANT NOTICE AND INSTRUCTIONS*******

INSTRUCTIONS ON HOW TO ACCESS AND USE CERTAIN CRUISE CREDITS CURRENTLY IN PROJECT NEPTUNE, LLC'S POSSESSION ARE ATTACHED HERETO AS EXHIBIT 1 (CRUISE CREDIT REDEMPTION PROCESS). CREDITORS AND PARTIES IN INTEREST SHOULD SEE EXHIBIT 1 AND FOLLOW THE INSTRUCTIONS SET FORTH THEREIN TO ACCESS AND USE THE CRUISE CREDITS AVAILABLE TO PROJECT NEPTUNE, LLC. THE CRUISE CREDITS ARE SET TO EXPIRE ON NOVEMBER 30, 2023, SO TIME IS OF THE ESSENCE.

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER ON MOTION FOR APPROVAL OF THE SUBCHAPTER V TRUSTEE'S FEES AND EXPENSES AND MOTION TO DISMISS CASE** shall be served to the parties and in the manner designated below:

By Electronic Service:

- Steven W. Call scall@rqn.com, docket@rqn.com, JLarsen@rqn.com
- John S. Gygi john.gygi@sba.gov
- Mark C. Rose mrose@mbt-law.com, markcroselegal@gmail.com
- D. Ray Strong tr rstrong@thinkbrg.com, UT30@ecfcbis.com, drstrong@ecf.axosfs.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov
- Melinda Willden tr melinda.willden@usdoj.gov, James.Gee@usdoj.gov, Lindsey.Huston@usdoj.gov, Rinehart.Peshell@usdoj.gov, Rachelle.D.Hughes@usdoj.gov, Brittany.Dewitt@usdoj.gov

By U.S. Mail:

All creditors and parties in interest listed on the mailing matrix in this case.

EXHIBIT 1

CREDIT REDEMPTION PROCESS

Project Neptune, LLC (“Project Neptune”) owns approximately \$1.5 million in cruise credits with Costa Cruise. In order to use the credits, creditors must book their cruise **prior to November 30, 2023** because the credits are set to expire on that date. The selected cruise can sail after November 30, 2023, but the cruise must be booked prior to November 30, 2023. Thus, time is of the essence and creditors must act quickly.

In order for creditors to redeem and use the cruise credits, they should follow the following procedures. Given the limited time available to book cruises, it is critical that creditors follow these procedures.

1. Prior to contacting Project Neptune, creditors should go to www.costacruises.com and search for a cruise that is suitable for them.

2. Once an itinerary and dates are identified, creditors should e-mail Project Neptune at credits@vacationbuilder.com with the following information regarding their preferred cruise package:

- a. Cruise ship name (example: Costa Smeralda)
- b. Cruise itinerary name (example: 8 Days Mediterranean)
- c. Cruise itinerary (example: Day 1 Savona, Day 2 Marseille, etc.)
- d. Cruise Dates as displayed on Costa’s website (example: 12/2/23-112/5/23)
- e. Number of cabins required (example: 1,2, etc.)
- f. Cabin type (example: interior, ocean view, balcony, etc.)²
- g. Number of passengers (example: 1,2,4, etc.)
- h. Passenger information for EACH individual, including:
 - i. Legal name as it appears on passport
 - ii. Date of birth
 - iii. Address
 - iv. Telephone number
 - v. E-mail address
- i. Proof of amount paid to Project Neptune for original booking that was cancelled.

3. Upon receipt of the above information, Project Neptune will review the information for completeness and place the customer in a queue based on chronological order of receipt. If the information provided is incomplete, Project Neptune will notify the creditor of the missing information.³

² If the desired cabin type is unavailable, the next closest type will be substituted.

³ Please note that customers will not be placed in the queue until all information is provided.

4. If the information provided is complete, Project Neptune will contact Costa to secure the requested booking.

5. After Costa makes the booking, Project Neptune will e-mail the creditor with a confirmation number of the booking. Please note, it may take one (1) to (2) weeks to receive a booking number once information has been sent to Costa.

6. Creditors should log into Costa's website to start their web checking in process as their travel date approaches. Logging into their system requires customers to enter ONLY their "last name" and booking reference number. Do NOT enter a first name or the system will not pull up your reservation in the costa system.

7. After a confirmation number has been sent to the creditor, the creditor should contact Costa's customer service department should they require any additional assistance after November 30, 2023.

ADDITIONAL INFORMATION

- Project Neptune's credits will be used to satisfy creditors' claims on a first come, first serve basis. Once the credits are exhausted, Project Neptune will not be able to help creditors.
- Due to the limited number of suites and similar type premium cabins, Project Neptune may not be able to secure them with Costa Cruise. In those circumstances, the closest rated cabin will be automatically selected.
- Project Neptune cannot guarantee cabin locations on the ship (starboard, bow, or stern).